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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,448	09/01/2006	Johann Seitz	32860-001081/US	1471
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EXAMINER				
KITOV, ZEEV V				
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2836				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/591,448

**Applicant(s)**

SEITZ, JOHANN

**Examiner**

ZEEV KITOV

**Art Unit**

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 - 5, 7 - 11, 13 - 15, 17 - 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3 - 5, 7 - 11, 13 - 15, 17 - 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner acknowledges a submission of the RCE request, amendment and arguments filed on February 17, 2009. Claims 6 and 16 are deleted. Claims 1 and 11 are amended. A new Office Action follows.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic (US 3,638,157) in view of Risberg (US 4,054,818). Regarding Claims 1 and 11, Kruzic discloses following: a protective device for a load including a first protective element. A circuit breaker 9 in Fig. 2) providing motor protection and line protection and an integral second protective element in series with the first protective element, including a fuse (a fuse unit 11 in Fig. 2) to provide short-circuit protection, wherein the second protective element is designed to provide overload protection for the motor. As to the second protective element located on the line side of the first protective element, as well known in the art of Electrical Engineering, two elements connected in series experience the same value of the current and therefore, mutual positions of two overload protective elements is immaterial and is nothing but a case of rearrangement

of parts. As is stated in the Court Decision, *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975), the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Kruzic device by placing the fuse box upstream of the circuit breaker, since according to recited above Court Decision, a rearrangement of parts in the device is an obvious matter of design choice.

However, it does not disclose the electronic switching device as claimed. Risberg discloses electrical motor control with a help of inverter, the switching circuit formed of SCR's (17, 18 in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the control circuit of Kruzic according to teachings of Risberg, i.e. by adding the switching voltage converter circuit based on SCR's according to teachings of Risberg, because such switching converter circuits are widely used in the multiphase AC motor control providing efficient speed control for the motors. In the Kruzic circuit modified according to teachings of Risberg, the second protective element, i.e. fuse protects the electronic switching element, i.e. voltage converter built with SCR's from over-current conditions.

Regarding Claim 11, Kruzic discloses an equivalent first means for providing motor protection and line protection, i.e. the circuit breaker (9 in Fig. 2); and an equivalent integral second means, i.e. fuse box switch (11 in Fig. 2) together with a fuse inherently protecting a load and a motor; wherein the equivalent second switch means, particularly a fuse providing short circuit protection.

Claims 7, 8, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic in view of Risberg and current design practice. As per Claim 7, it requires a trip response of the first protective element, i.e. circuit breaker, being coordinated with the rating of a protected switching device. Examiner takes an Official Notice, that such requirement is a normal part in the rules of protection system design, since otherwise if it is not coordinated, i.e. if the trip threshold is set higher than a maximum current that the switch can withstand, the switching device will be damaged thus defeating a purpose of use of the protection system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to set a threshold of the protection device such that it would effectively protect all the elements of the circuit.

As per Claim 17, the same considerations as in Claim 7 rejection are valid with respect to the trip response of the first equivalent means (see Claim 7 rejection above).

Claims 5, 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic in view of Risberg and Scoggin (US 6,853,289). Regarding Claims 5, 10, 15 and 20, Scoggin discloses an auxiliary switch (Q1, Q2, D3, and D4 in Fig. 17) used to signal the status of the fuse (362 in Fig. 16, col. 13 -line 25 - col. 14, line 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the auxiliary switch and indicator to indicate the status of the fuse, because it is necessary to attract attention of maintenance personnel to take care of a fault problem when it is necessary.

Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic in view of Risberg and Frank (US 2,324,852). Regarding Claims 3, 4, 13 and 14, Kruzic discloses the fuses (11 in Fig. 2 and 109 in Fig. 3) containing the fuse in its enclosure. However, it does not disclose that the fuses being transferable to maintenance position. Frank discloses a safety switch (Fig. 1) used with the fuse box (Fig. 10). According to Frank, in this structure the switch handle may be locked against movement out of the open circuit position, while at the same time permitting the covers 38 or 28 to be moved for exposing the interior of the switch for inspection, fuse replacement, or maintenance (page 2, right column, lines 57 - 68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Kruzic system according to teachings of Frank, i.e. providing a locking mechanism to the fuse box in order to secure safe operation during fuse replacement or maintenance.

Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic in view of Risberg and Frank. Regarding Claims 9 and 19, Frank discloses a safety switch (Fig. 1) used with the fuse box (Fig. 10). According to Frank, in this structure the switch handle may be locked against movement out of the open circuit position, while at the same time permitting the covers 38 or 28 to be moved for exposing the interior of the switch for inspection, fuse replacement, or maintenance (page 2, right column, lines 57 - 68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Graft system according to teachings of

Frank, i.e. providing a locking mechanism to the fuse box in order to secure safe operation during fuse replacement or maintenance.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kruzic in view of Risberg and Okamoto (JP 2001-126607). Regarding Claims 8 and 18, Okamoto discloses the mechanical structure of the circuit breaker provided with additional function unit, which is used to generate an alarm signal when the over-current conditions occur. The additional function unit is mounted in an insulated enclosure (5) having the same width as the circuit breaker (see Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified the Kruzic system by providing an additional switching device according to teachings of Risberg (see Claim 1 rejection above), which by a way of analogy having the same width as the circuit breaker, because as well known in the art, the circuit breakers today are mostly manufactured with standard modular dimensions when all the modules with rare exception have the same dimensions. According to the evidence of Buehler et al. (US 5,223,681) such approach provides following advantages: it makes easier future modifications, allowing small modifications to existing modules to fit customer needs, addition or subtraction of modules to fit the customer's needs, taking modules out, inserting modules, modifying them, and having as a result, totally different circuit breaker.

***Response to Arguments***

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zeev Kitov whose current telephone number is (571) 272 - 2052. The examiner can normally be reached on 8:00 – 4:30. If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272 – 2800, Ext. 36. The fax phone number for organization where this application or proceedings is assigned is (571) 273-8300 for all communications.

/Z. K./  
Examiner, Art Unit 2836  
4/1/2009

/Stephen W Jackson/

Primary Examiner, Art Unit 2836